

First
AMENDED

COMPLAINT

(for filers who are prisoners without lawyers)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Ronald Lema Kupsky

v.

Case Number:

(Full name of defendant(s))

18-CV-385

(to be supplied by Clerk of Court)

Tenesa McLaren, Dr. DeBlanc

Torria Van Buren

Dr. S. Schmidt

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State) 396 S. Drummond St

Waupun Correction Institution P.O. Box 351 Waupun WI
(Address of prison or jail) 53963

(If more than one plaintiff is filing, use another piece of paper.)

2. ^{ALL} Defendant McLaren, DeBlanc, Van Buren, Schmidt
(Name)

is (if a person or private corporation) a citizen of Wisconsin
(State, if known)

and (if a person) resides at Un Known
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for ^{Wauvun} Correctional Institution 396 S. Drummond St ^{Wauvun} WI 53963
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

The Defendants (McLaren, De Blanc, Van Buren, Schmidt) failed to provide me with mental health treatment resulting in multiple self-harm issues, and an off-site service at the local hospital ER after a "suicide attempt" I am sending some paperwork as proof of their refusal to offer medical care. On 10/31/16 I spoke to a Psychological Service Unit (PSU) Clinical contact and told them I had mental health issues, and did not think I would be able to keep from self harm under my current placement status. I was told I would have to speak to my main clinical contact Tenesa McLaren (defendant) about placement. When I spoke to McLaren on 10/26/16 (report included) she wrote a diagnoses of "other specified personality disorder, with schizoid personality features" and impression notes "clinically ~~significant~~ significant impairment in functioning" however she also told me she "would not give me any treatment" and that I "had to figure things out on my own." I then complained to the PSU supervisor Dr. S. Schmidt (defendant) that I was not getting treatment by McLaren and requested my DR be changed, but he refused. I then complained to the I.C.E. staff over lack of treatment, and that should be e-filed for court to review while the complaint was being worked on by I.C.E. McLaren unknown to me took leave from WCI and my PSU worker was changed to Dr. De Blanc.

In 2017 when I meet with DeBlanc (defendant) who also told me she "would not give treatment."

After the meeting I was able to do self harm to the point I was bleeding, which resulted in DeBlanc being removed as my main PSU staff and my main PSU staff and my placement on "obs" status. While on obs I meet Torria Van Buren (defendant) on 4/13/17 and requested a treatment plan. She refused to help with that. When I meet Dr. Grin on 5/18/17 unlike the other PSU staff she said she would work on a treatment plan and placed me on a "feed cell" status. Before I could meet with Dr. Grin again McLaren returned to WCI and removed my "feed cell" status, and again refused treatment. When I told her that would result in me going back on "obs" she said "that's fine" and ended the meeting that took place 8/16/17. After this meeting I went on obs multiple times for self harm and even to the ER in November 2017 after a self harm suicide attempt. The defendants all knew of my "mental health issues" "clinically significant impairment in functioning" and "self-harm/suicide" issues, but refused to give me treatment risking my health and safety. This resulted in blood loss, an overnight stay at the local hospital, a visit to the ER, and other health issues!

Cody v Dane County, 2001 WI App 60 Deliberate indifference implies an act so dangerous to make refusal uncivilized. Deliberate indifference implies an act so dangerous that the defendant's knowledge of the risk of harm from the resulting act can be inferred.

Eighth Amendment protection also extends to denial of medical care. E. Stelle v Gamble 429 U.S. 97, 104-105 (1976)

Government officials are shielded from civil liability for discretionary actions... unless (1) the rights violated was clearly established by analogous case law, or (2) the conduct was so plainly egregious that the official ought to have known his conduct was improper. The concept of qualified immunity in the 1983 context is not whether (defendants) believed his actions were lawful, but whether the law regarding (my) rights was clearly established.

Barnhill v Board of Regents (1992) 166 W. 2d 395, 407, 479

N.W. 2d 917. "[t]reatment of the mental disorders of mentally disturbed inmates is a 'serious medical need'"

Citing Ramos v. Lamm (10th Cir. (1980) 450 U.S. 1041 (1981)

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I ask for \$12 million to be paid by defendants that is decided by jury. For all defendants to write a letter saying I should be moved from WCI to a mental health care institution for treatment. All defendants work with WCI start to have me placed in the Behavior Health Unit with a "feed cell" status until moved from Waupun Correctional Institution.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 2nd day of April 2018.

Respectfully Submitted,

Rhys Stinson
Signature of Plaintiff

618624
Plaintiff's Prisoner ID Number

Kupsky Ronald 618624
Waupun Correctional Institution PO Box 361

396 S. Drummond St. Waupun WI 53963
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.